

Regular Session, 2009

HOUSE BILL NO. 852

BY REPRESENTATIVES SMILEY, BALDONE, HENRY BURNS, TIM BURNS,  
DOERGE, GEYMANN, GISCLAIR, HENDERSON, HOFFMANN, HOWARD,  
KATZ, LABRUZZO, LIGI, MCVEA, MORRIS, POPE, AND JANE SMITH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 8:673, 676, 677, 678(A)(introductory paragraph), 679(A),  
(B)(introductory paragraph), (C), and (D), 680, and 681, R.S. 17:407.4(C), (D), and  
(E), R.S. 28:821(D), R.S. 36:3(2), 301(A), and 913(A), R.S. 37:2551 and 2552(A),  
R.S. 40:2109(C), R.S. 46:2623(B) and (D), R.S. 49:149.62(B), R.S. 51:912.51,  
912.52, 935.1(A)(1)(a), (B)(1), and (D), 2452(A)(introductory paragraph), and  
2453(2)(d), and Article XIV, Section 47(P)(3) of the Constitution of 1921, continued  
as statute by Article XIV, Section 16 of the Constitution of 1974, and to repeal R.S.  
8:675, R.S. 17:24.4(J), 66.1, 407.1(4), 407.3, and 3951(B)(13), R.S. 36:4(Q) and (V),  
209(H)(3), 259(I)(2), (K), (R), and (T), 309(E) and (F), 651(V) and (W), and 805,  
R.S. 42:456.2, R.S. 46:2622(2) and 2624, R.S. 49:149.62(C), and R.S. 51:955.3(F)  
and Chapter 39-A of Title 51 of the Louisiana Revised Statutes of 1950, comprised  
of R.S. 51:2375 through 2383, relative to boards, commissions, authorities, districts,  
and like entities; to abolish certain inactive boards, commissions, authorities, and  
like entities; to remove references to certain abolished entities; to remove references  
to, provisions for, and the powers, functions, and duties of the Adult Learning Task  
Force, the Educational Assessment Testing Commission, the interim school board  
for Central Community School System, the Louisiana Home Instruction for  
Preschool Youngsters Advisory Board, the A. Z. Young Memorial Commission, the  
Louisiana Unmarked Burial Sites Board, the Disability Services and Supports  
System Planning Group, the Statewide Health Coordinating Council, the Louisiana

1 Medical Assistance Trust Fund Advisory Council, the Minority Health Affairs  
2 Commission, the Louisiana Economic Development Council and Cabinet Advisory  
3 Group on Economic Development, the Manufactured Housing State Administrative  
4 Agency, the Uniform Payroll Insurance Committee, and the Economic Development  
5 Funding Board; to provide for certain technical corrections regarding placement of  
6 boards and commissions in the Executive Reorganization Act; to provide relative to  
7 the Board of Examiners of Certified Shorthand Reporters; and to provide for related  
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 **Adult Learning Task Force.**

11 Section 1. R.S. 17:3951(B)(13) is hereby repealed in its entirety.

12 **Educational Assessment Testing Commission.**

13 Section 2. R.S. 17:24.4(J) and R.S. 36:651(W) are hereby repealed in their entirety.

14 **Interim school board for Central Community School System.**

15 Section 3. R.S. 17:66.1 is hereby repealed in its entirety.

16 **Louisiana Home Instruction for Preschool Youngsters Advisory Board.**

17 Section 4.(A) R.S. 17:407.4(C), (D), and (E) are hereby amended and reenacted to  
18 read as follows:

19 §407.4. Louisiana HIPPY Coordinator; appointment; duties and responsibilities

20 \* \* \*

21 C. The HIPPY coordinator shall, in addition to working with the department  
22 ~~and the HIPPY Advisory Board~~, promote program expansion, encourage local  
23 development of HIPPY programs, and provide consultation and guidance to  
24 localities interested in developing and implementing HIPPY programs.

25 D. The department and the HIPPY coordinator shall ~~work in consultation~~  
26 ~~with the HIPPY Advisory Board~~ to set standards for funding qualified HIPPY  
27 programs.

28 E. Upon the expiration of the initial three years, the governor and the  
29 department ~~and the HIPPY Advisory Board~~ shall consult and shall determine the

1 placement of the office of the HIPPY coordinator best suited for the performance of  
2 the coordinator's responsibilities.

3 \* \* \*

4 (B) R.S. 17:407.1(4) and 407.3 and R.S. 36:651(V) are hereby repealed in their  
5 entirety.

6 **A. Z. Young Memorial Commission.**

7 Section 5.(A) R.S. 49:149.62(B) is hereby amended and reenacted to read as follows:

8 §149.62. A. Z. Young Park

9 \* \* \*

10 B. In recognition of the A. Z. Young Park, the division of administration  
11 shall place and permanently display in a prominent location in the park a plaque and  
12 memorial honoring A. Z. Young. ~~The design, content, and location of the plaque and~~  
13 ~~memorial shall be subject to the approval of the A. Z. Young Memorial Commission.~~

14 In addition, any dedication or memorial to A. Z. Young formerly contained within  
15 the former state building known as the A. Z. Young Building shall be placed in a  
16 suitable location on the grounds of the park.

17 (B) R.S. 49:149.62(C) is hereby repealed in its entirety.

18 **Louisiana Unmarked Burial Sites Board.**

19 Section 6.(A) R.S. 8:673, 676, 677, 678(A)(introductory paragraph), 679(A),  
20 (B)(introductory paragraph), (C), and (D), 680, and 681 are hereby amended and reenacted  
21 to read as follows:

22 §673. Definitions

23 As used in this Chapter, unless the context clearly indicates otherwise, the  
24 following terms shall have the meanings indicated:

25 ~~(1) "Board" means the Unmarked Burial Sites Board.~~

26 ~~(2) (1)~~ (1) "Burial artifact" means any item of human manufacture or use that  
27 is in an unmarked burial site.

28 ~~(3) (2)~~ (2) "Disturb" includes excavating, removing, exposing, defacing,  
29 mutilating, destroying, molesting, or desecrating in any way any unmarked burial

1 sites or any human skeletal remains, burial artifacts, or burial markers on or in an  
2 unmarked burial site without a permit.

3 ~~(4)~~ (3) "Human skeletal remains" means any part of the body of a deceased  
4 human being in any stage of decomposition.

5 (4) "Secretary" means the secretary of the Department of Culture, Recreation  
6 and Tourism or the person designated by the secretary to administer the provisions  
7 of this Chapter.

8 (5) "Unmarked burial site" means the immediate area where one or more  
9 human skeletal remains are found in the ground that is not in a recognized and  
10 maintained municipal, fraternal, religious, or family cemetery, or a cemetery  
11 authorized by the Louisiana Cemetery Board.

12 \* \* \*

13 §676. Powers and duties of the ~~board~~ secretary

14 A. The ~~Louisiana Unmarked Burial Sites Board~~ secretary shall have the  
15 following powers and duties:

16 (1) To implement and to enforce this Chapter and the powers and duties  
17 assigned to the ~~board~~ secretary by law.

18 (2) To adopt such rules and regulations as are necessary to implement and  
19 to enforce this Chapter and the powers and duties assigned to the ~~board~~ secretary by  
20 law. All rules and regulations shall be adopted in accordance with the  
21 Administrative Procedure Act.

22 (3) To consult with all interested parties on occasions of disturbance of  
23 unmarked burial sites to determine a proper course of action.

24 (4) To institute civil proceedings seeking injunctive or other relief to restrain  
25 and to prevent violations of this Chapter or the laws or administrative rules  
26 administered or enforced by the ~~board~~ secretary.

27 (5) To institute civil proceedings seeking restitution, payment of costs, or  
28 other monetary relief necessary to prevent, restore, or repair damage to unmarked  
29 burial sites, human skeletal remains, or burial artifacts from unmarked burial sites,

1 or to retrieve human skeletal remains or burial artifacts removed in violation of this  
2 Chapter.

3 (6) To issue permits for the disinterment and/or for the scientific study of  
4 human skeletal remains and burial artifacts found in unmarked burial sites. The  
5 ~~board~~ secretary may adopt rules and regulations to provide for the issuance of  
6 emergency permits by the state archaeologist.

7 (7) To charge a permit fee not to exceed one hundred dollars for each such  
8 permit. The monies collected from the issuance of permits, subject to applicable  
9 provisions of law, shall be used as provided for funds from civil damages in  
10 Subsection B of this Section.

11 (8) To issue permits for the special exhibition of human skeletal remains  
12 from unmarked burial sites if the ~~board~~ secretary determines that the remains are of  
13 exceptional scientific or cultural significance.

14 (9) To issue permits for the use of human skeletal remains which have been  
15 legally obtained from unmarked burial sites and are intended strictly for teaching  
16 purposes at accredited institutions of higher learning, including but not limited to  
17 nonpublic display of human skeletal remains.

18 B. Civil damages, except for attorney fees, recovered by the ~~board~~ secretary,  
19 subject to applicable provisions of law, shall be used by the ~~board~~ secretary to  
20 implement and enforce this Chapter and to fund activities of the division of  
21 archaeology in regard to restoration and protection of burial sites, in accordance with  
22 regulations adopted by the ~~board~~ secretary and other applicable laws. Attorney fees  
23 shall be paid to the Louisiana Department of Justice.

24 C. Provisional permits may be used by the division of archaeology until ~~such~~  
25 ~~time as the board is appointed and has adopted~~ rules and regulations governing  
26 permitting are adopted.

27 §677. Revocation or suspension of permits

28 A. The ~~board~~ secretary may revoke or suspend any permit issued under the  
29 provisions of this Chapter upon a determination ~~by the board~~ that the holder of the  
30 permit has violated the provisions of this Chapter or the rules and regulations ~~of the~~

~~board~~ adopted pursuant thereto, or has failed to meet the professional or occupational standards determined by the ~~board~~ secretary, or has failed to insure that the personnel employed by the holder of the permit meet the professional or occupational standards determined by the ~~board~~ secretary.

B. Permits may be revoked or suspended only by a ruling of the ~~board~~ secretary based on an adjudicatory hearing held in accordance with the provisions of the Louisiana Administrative Procedure Act.

C. The ~~board~~ secretary shall notify each person whose permit has been revoked or suspended, by certified mail, return receipt requested.

D. Each person whose permit has been revoked or suspended shall return the permit to the ~~board~~ secretary within fifteen days of the date on which the notice of the revocation or suspension was received.

## §678. Unlawful acts

A. It is unlawful for any person, entity, or group, to whom the ~~board~~ secretary has not issued a permit, to knowingly:

\* \* \*

## §679. Civil remedies

A. The ~~board~~ secretary may institute civil proceedings seeking injunctive relief to restrain and prevent violations of this Chapter or the laws or administrative rules administered or enforced by the ~~board~~ secretary.

B. The ~~board~~ secretary may also institute civil proceedings seeking civil damages from any person who knowingly violates any provision of R.S. 8:678. Civil damages shall include any or all of the following:

\* \* \*

C. The ~~board~~ secretary may bring actions for injunctive relief or civil damages in either the district court for the parish of East Baton Rouge or in the district court where the unmarked burial site, the human skeletal remains, or the burial artifacts are located.

D. The attorney general shall represent the ~~board~~ secretary in all matters pertaining to the administration or enforcement of this Chapter, or both, except in

1           those matters in which the ~~board~~ secretary has employed special counsel. The ~~board~~  
2           secretary may employ and shall fix the compensation of such special counsel with  
3           the concurrence of the attorney general and in accordance with the laws and  
4           regulations regarding employment of special counsel.

5           §680. Discovery of unmarked burial sites, human skeletal remains, and burial  
6           artifacts

7           A. Any person who has reason to believe he or she has discovered an  
8           unmarked burial site or received human skeletal remains from an unmarked burial  
9           site shall notify the law enforcement agency of the jurisdiction where the site or  
10          remains are located within twenty-four hours of discovery. Any person who has  
11          reason to believe he or she has discovered or received burial artifacts shall notify the  
12          ~~board~~ secretary through the division of archaeology within seventy-two hours of the  
13          discovery. Failure to give notice as required is a misdemeanor punishable by a fine  
14          of not less than one hundred dollars nor more than one thousand dollars.

15          B. Any activity that may disturb the unmarked burial site, human skeletal  
16          remains, or burial artifacts associated with the site shall immediately cease on  
17          discovery. No activity which will disturb the unmarked burial site shall resume until  
18          the ~~board~~ secretary has issued a permit governing the disposition of the unmarked  
19          burial site, the human skeletal remains, or the burial artifacts. In no event shall the  
20          ~~board~~ secretary take longer than thirty days to decide on issuance of a permit without  
21          the written agreement of all parties.

22          C. Each law enforcement agency that receives notice of an unmarked burial  
23          site or human skeletal remains shall immediately notify the coroner of the parish  
24          where the site or remains are found. The law enforcement agency shall also notify  
25          the ~~board~~ secretary through the division of archaeology within two business days of  
26          any discovery unless circumstances indicate that the death or burial is less than fifty  
27          years old or that there is need for a criminal investigation or legal inquiry by the  
28          coroner.

29          D. If the coroner finds that the unmarked burial site is over fifty years old  
30          and that there is no need for a legal inquiry by his office or for a criminal

1 investigation, the ~~board~~ secretary shall have jurisdiction of the site, human skeletal  
2 remains, and the burial artifacts.

3 §681. Disposition of unmarked burial sites, human skeletal remains, and burial  
4 artifacts

5 A. Whenever an unmarked burial site, human skeletal remains from an  
6 unmarked burial site, or burial artifacts are reported to the ~~board~~ secretary, the  
7 disposition of unmarked burial sites, human skeletal remains, or burial artifacts shall  
8 proceed as follows:

9 (1) Every reasonable effort is to be made to restore the unmarked burial site  
10 and to avoid disturbing the human skeletal remains or burial artifacts:

11 (a) If the ~~board~~ secretary determines that the burial site has significant  
12 scientific value, the ~~board~~ secretary may issue a permit for scientific study.

13 (b) Any agreement by the owner of the property to leave the unmarked burial  
14 site undisturbed shall not constitute consent on the owner's part to allow relatives of  
15 the deceased or any other interested parties free access to the site without the owner's  
16 permission.

17 (2) The ~~board~~ secretary shall make reasonable efforts to identify and locate  
18 persons who can establish direct kinship with or descent from the individual whose  
19 remains have been found.

20 (3) If the unmarked burial site or the human skeletal remains can be shown  
21 to have ethnic affinity with a living Native American tribe, the ~~board~~ secretary shall  
22 notify the tribe of the discovery.

23 (4) If the human skeletal remains must be removed, then control of the  
24 disposition of these remains shall be in the following order:

25 (a) If any direct relations or descendants are found, such person or persons  
26 shall have the right to control the disposition of the human skeletal remains in  
27 accordance with R.S. 8:659.

28 (b) If the human skeletal remains can be shown to have ethnic affinity to any  
29 living tribe of Native Americans, then the tribe shall have control of the disposition  
30 of the human skeletal remains.



(c) If no direct relation or descendant is found or if no ethnic affinity of the human skeletal remains to any living Native American tribe can be shown or if no direct relation or descendant or Native American tribe takes responsibility for the reinterment of the human remains, then the ~~board~~ secretary shall determine the proper disposition of the human remains.

B. If a permit has been issued pursuant to R.S. 8:676(A)(6), the cost of disinterment, reinterment, or study of the human skeletal remains shall be paid by the persons or parties requesting the permit. In the event the ~~board~~ secretary must reinter the remains, the burial shall be paid in the same manner as an indigent or pauper burial.

C. All burial artifacts found in an unmarked burial site shall become the property of the state and the ~~board~~ secretary shall be the custodian thereof. The disposition of the burial artifacts shall be made by the ~~board~~ secretary in accordance with its regulations. The ~~board~~ secretary may donate the burial artifacts to an educational institution, a public museum, or a Native American tribe for display and study purposes. In no event, however, shall the ~~board~~ secretary or any recipient sell the burial artifacts.

(B) R.S. 36:209(H)(3) and R.S. 8:675 are hereby repealed in their entirety.

#### **Disability Services and Supports System Planning Group**

Section 7. R.S. 28:821(D) is hereby amended and reenacted to read as follows:

§821. Findings and purpose

\* \* \*

D. It is the intention of the legislature that the state adhere to the principles contained in this Chapter for program planning and development of programs for all persons and their families needing long-term ~~supports~~ support. ~~It is the intention of the legislature to create a planning group to study and recommend the improvement of programs for persons needing long-term support. It is the intention of the legislature that the Department of Health and Hospitals and all other agencies receive advice and information from the Disability Services and Supports System Planning Group.~~

**Statewide Health Coordinating Council.**

Section 8.(A) R.S. 40:2109(C) is hereby amended and reenacted to read as follows:

§2109. Rules, regulations, and minimum standards

\* \* \*

C. Any health care facility that proposes to utilize beds for post-hospital extended care, including distinct-part skilled, intermediate, and swing, and admits nursing home patients who receive Medicaid payments to those beds shall meet all licensure requirements for nursing homes. Such requirements shall include but not be limited to a nursing home license, employment of a nursing home administrator, social service designee, and a patient activity coordinator, and all need criteria and resource goals promulgated by the Department of Health and Hospitals ~~Human Resources and the Statewide Health Coordinating Council~~ pursuant to ~~Section 1122\* of the Social Security Act~~ 42 U.S.C. 1320a-1. A review for need shall be conducted by the Department of Health and Hospitals ~~Human Resources~~ utilizing the State Health Plan resource goals and departmental need criteria regardless of whether there is a capital expenditure. If need is not established in accordance with the need criteria and resource goals, license shall be denied for utilization of those beds. Distinct-part skilled and swing beds approved for utilization pursuant to the provisions of this Subsection shall be limited to twenty such beds per hospital.

\* \* \*

(B) R.S. 36:259(I)(2) is hereby repealed in its entirety.

**Louisiana Medical Assistance Trust Fund Advisory Council.**

Section 9.(A) R.S. 46:2623(B) and (D) are hereby amended and reenacted to read as follows:

§2623. Louisiana Medical Assistance Trust Fund

\* \* \*

B. The monies from the fund as appropriated by the legislature shall be used and expended under the supervision of the secretary of the Department of Health and

Hospitals and considering the advice of the Louisiana Medical Assistance Trust Fund Advisory Council, for the Medicaid program.

\* \* \*

D. The state treasurer shall report the status of the fund at least quarterly to the secretary of the Department of Health and Hospitals and the Louisiana Medical Assistance Trust Fund Advisory Council.

\* \* \*

(B) R.S. 36:259(T) and R.S. 46:2622(2) and 2624 are hereby repealed in their entirety.

**Minority Health Affairs Commission.**

Section 10. R.S. 36:259(K) is hereby repealed in its entirety.

**Louisiana Economic Development Council and Cabinet Advisory Group on Economic Development.**

Section 11.(A) R.S. 51:935.1(A)(1)(a), (B)(1), and (D), 2452(A)(introductory paragraph), and 2453(2)(d) are hereby amended and reenacted to read as follows:

§935.1. Unified economic development budget report

A.(1)(a) ~~Beginning November 15, 2005, the~~ The Department of Economic Development shall issue a biennial unified economic development budget report which shall be prepared by an independent economist selected by and under contract with the division of administration, who shall approve the methodologies and assumptions used in preparation of the report ~~after consultation with the Louisiana Economic Development Council~~, and ~~where it is~~ if appropriate, after consultation with the Economic Estimating Conference, the Revenue Estimating Conference, the legislative auditor, the legislative fiscal office, the Department of Economic Development, the Department of Revenue, and the Louisiana Workforce Commission.

\* \* \*

B. The report shall include:

(1) A complete listing of each state economic development program which the division of administration ~~and the Louisiana Economic Development Council~~

have has agreed should be included in the report and the agency or corporation which  
administer administers them, if any.

\* \* \*

D. The independent economist who prepares the biennial unified economic development budget report shall prepare, ~~in consultation with the Louisiana Economic Development Council,~~ an incentives competitiveness analysis section which shall be included as a part of the report. This competitiveness analysis shall compare the benefits offered in economic development programs in Louisiana with those offered in the regional states with which the state competes for economic development. The independent economist shall include in this analysis an assessment of the total relative tax burden of businesses in Louisiana compared to those regional states.

\* \* \*

§2452. Intent

A. It is the intent of the Louisiana Legislature that the quality jobs benefits provided for in this Chapter in contracts for which an application is filed with the department after May 1, 2002, should be used primarily as an inducement for businesses to locate or expand existing operations in Louisiana in accordance with Louisiana Vision 2020 and the Department of Economic Development and the ~~Louisiana Economic Development Council's~~ Development's focus on Louisiana's traditional and seed clusters: Advanced Materials; Agriculture, Forest and Food Technology; Durable Goods (Marine, Automotive, Aviation); Entertainment; Information Technology; Biotechnology, Biomedical, and Medical Industries serving rural hospitals; Logistics and Transportation; Oil and Gas and Energy; and Petrochemical and Environmental Technology. A business operation should be considered for quality jobs benefits only if the business meets the provisions of R.S. 51:2453(2). It is the further intent of the Louisiana Legislature that the following should apply to quality jobs benefits provided both before and after that date:

\* \* \*

## 1           §2453. Definitions

2           The following words or terms as used in this Chapter shall have the following  
3 meaning, unless a different meaning appears from the context:

4   \*           \*           \*

5           (2) "Employer" shall mean a legal person who executes a contract with the  
6 department pursuant to the provisions of this Chapter and who offers, or will offer  
7 within ninety days of the effective date of qualifying for the incentive rebates  
8 pursuant to the provisions of this Chapter, a basic health benefits plan to the  
9 individuals it employs in new direct jobs in this state which shall be determined by  
10 the Department of Economic Development to have a value of at least one dollar and  
11 twenty-five cents per hour.

12   \*           \*           \*

13           (d) The Department of Economic Development may promulgate rules  
14 annually listing other employers, professions, or service industries which are eligible  
15 and are not eligible for any rebate pursuant to this Chapter and such rules shall not  
16 take effect unless presented to ~~the Louisiana Economic Development Council~~ and  
17 approved by both the House Committee on Ways and Means and the Senate  
18 Committee on Revenue and Fiscal Affairs in a public meeting held for such purpose.

19   \*           \*           \*

20           (B) R.S. 36:4(Q) and (V), R.S. 51:955.3(F), and Chapter 39-A of Title 51 of the  
21 Louisiana Revised Statutes of 1950, comprised of R.S. 51:2375 through 2383, are hereby  
22 repealed in their entirety.

23           **Manufactured Housing State Administrative Agency.**

24           Section 12. R.S. 51:912.51 and 912.52 are hereby amended and reenacted to read  
25 as follows:

26           §912.51. Definitions

27           As used in this Part, the following definitions shall apply:

28           (1) "Louisiana state plan" means the document which outlines the process  
29 by which the state administrative agent shall ensure the effective handling of  
30 consumer complaints and other information that relates to noncompliance, defects,

1 or imminent safety hazards, involving manufactured housing, together with any  
2 responsibility delegated to the state administrative agent.

3 (2) "State administrative agency" means the ~~agency created within the office~~  
4 ~~of the governor of the state of Louisiana which has sole responsibility for~~  
5 ~~administering the Louisiana state plan pursuant to the federal standards enforcement~~  
6 ~~program~~ office of the state fire marshal.

7 (3) "State administrative agent" or "agent" means the ~~director of the state~~  
8 ~~administrative agency~~ state fire marshal.

9 §912.52. Louisiana state administrative agent

10 A. ~~The Louisiana state administrative agency is hereby created within the~~  
11 ~~office of the governor. The state administrative agent, hereafter referred to as~~  
12 ~~"agent", shall be the director of the Louisiana state administrative agency, which~~  
13 ~~shall be the sole state agency responsible for administering the federal standards~~  
14 ~~enforcement program.~~

15 B. ~~The agent shall be appointed by the governor with the consent of the~~  
16 ~~Senate. The term of office for the agent shall be coterminous with that of the~~  
17 ~~governor making his appointment. The agent shall serve until his successor is~~  
18 ~~appointed and qualified. In the event of any vacancy, whether by death, resignation,~~  
19 ~~removal, expiration of term, or otherwise, the vacancy shall be filled for the~~  
20 ~~unexpired portion of the term in the manner provided herein.~~

21 C. ~~The agent shall take and subscribe to the oath of office required of public~~  
22 ~~officials.~~

23 D. The agent is hereby vested with the powers and authority necessary and  
24 proper to enable the agent to fully and effectively carry out and enforce the  
25 provisions and objectives of the Louisiana state plan administered on behalf of the  
26 United States Department of Housing and Urban Development, hereafter referred to  
27 as "HUD". The agent is hereby authorized and empowered to adopt and promulgate  
28 all reasonable rules and regulations to accomplish the objectives of the Louisiana  
29 state plan. The enumeration of any power or authority herein shall not be construed  
30 to deny, impair, disparage, or limit any others necessary to the attainment thereof.

1 All rules and regulations shall be adopted in accordance with the provisions of the  
2 Administrative Procedure Act. Oversight review shall be conducted by the House  
3 Committee on Commerce and the Senate Committee on Commerce, Consumer  
4 Protection, and International Affairs.

5 ~~E. B.~~ The power and authority of the agent shall include but not be limited  
6 to the following:

7 (1) Working with manufactured home consumers, manufacturers, retailers,  
8 developers, salesmen, and installers to hear consumer complaints and other  
9 information that relates to noncompliance, defects, or imminent safety hazards as set  
10 forth in 24 CFR Part 3282, Subpart I. The agent may make final determinations  
11 regarding consumer complaints.

12 (2) The right to enter at a reasonable time and inspect all factories,  
13 warehouses, or establishments in the state in which manufactured homes are  
14 manufactured.

15 (3) Imposing civil and criminal penalties payable to the state through the  
16 Louisiana Manufactured Housing Commission as provided for in 42 U.S.C. 5410.

17 (4) Establishing necessary notification and corrective procedures under 24  
18 CFR Part 3282, Subpart I.

19 (5) Providing oversight as prescribed by law of remedial actions carried out  
20 by manufacturers and a manufacturer's handling of consumer complaints as to plants  
21 located within the state.

22 (6) Establishing a monitoring inspection fee in accordance with the  
23 guidelines established by the secretary of HUD and providing for participation in the  
24 federal fee distribution system.

25 **Economic Development Funding Board.**

26 Section 13. Article XIV, Section 47(P)(3) of the Constitution of 1921, continued as  
27 statute by Article XIV, Section 16, of the Constitution of 1974, is hereby amended and  
28 reenacted to read as follows:

§47. Louisiana Stadium and Exposition District

Section 47.

\* \* \*

(P)

\* \* \*

(3) The promotional and economic development activities engaged in and the control and management of the funds accruing from the surplus shall be vested in the ~~Economic Development Fund Board comprised of:~~ Louisiana Stadium and Exposition District.

~~(a) The designee of the facility management group.~~

~~(b) The chairman of the Louisiana Stadium and Exposition District.~~

~~(c) The executive director of the Greater New Orleans Tourism and Convention Commission, or his designee.~~

~~(d) The executive director of the New Orleans Sports Foundation.~~

~~(e) A designee of the governor.~~

\* \* \*

**Uniform Payroll Insurance Committee.**

Section 14. R.S. 42:456.2 is hereby repealed in its entirety.

**Executive Branch Reorganization.**

Section 15.(A) R.S. 36:3(2), 301(A), and 913(A) are hereby amended and reenacted to read as follows:

§3. Definitions

For the purposes of this Title the following terms shall have the following meanings unless the context clearly indicates otherwise:

\* \* \*

(2) "Assistant secretary" means the officer designated by law or by the secretary of each department to carry out the duties and functions of an office within certain departments, except an office of management and finance and the office of state police of the Department of Public Safety and Corrections. For the Louisiana Workforce Commission, the "director" shall mean the officer designated by law or



by the executive director to carry out the duties and functions of an office within the Louisiana Workforce Commission except the office of management and finance.

\* \* \*

§301. Louisiana Workforce Commission; creation; domicile; composition; purposes and functions

A. The Louisiana Workforce Commission is created and shall be a body corporate with the power to sue and be sued. The domicile of the commission shall be in Baton Rouge. The Louisiana Workforce Commission shall be deemed to be one of the twenty departments of the executive branch of state government as provided in Article IV, Section 1 of the Constitution of 1974 and as ~~created and continued~~ provided in this Title.

\* \* \*

§913. Transfer; certain appointing authority retained

A. The agencies transferred by the provisions of R.S. ~~36:629(D)~~ 36:509(L) and 629(D) shall be transferred as provided in this Part except that each agency so transferred shall continue to appoint its own director and assistant director or personnel to fill comparable positions as provided by law.

\* \* \*

(B) R.S. 36:259(R), 309(E) and (F), and 805 are hereby repealed in their entirety.

Section 16. Except as otherwise provided by law, the transfer of functions, authority, business, obligations, property, and employees pursuant to the abolition of entities as provided in this Act shall be in accordance with R.S. 36:921 et seq.

**Board of Examiners of Certified Shorthand Reporters**

Section 17.(A) R.S. 37:2551 and 2552(A) are hereby amended and reenacted to read as follows:

§2551. Creation of board of examiners; purposes; membership; expenses

A. There is hereby created a Board of Examiners of Certified Shorthand Reporters within the office of the governor for the purpose of encouraging proficiency in the practice of shorthand reporting as a profession, promoting efficiency in court and general reporting, and extending to the courts and to the

1 public the protection afforded by a standardized profession by establishing a standard  
2 of competency for those persons engaged in it.

3 ~~B. Within thirty days from the effective date of this Section, the governor~~  
4 ~~shall appoint nine persons to membership on the board of examiners. Each~~  
5 ~~appointment by the governor shall be submitted to the Senate for confirmation.~~

6 (1) The board shall be comprised as follows:

7 (a) Four members shall be appointed by the Supreme Court of Louisiana.  
8 One of the members shall be a judge, and three of the members shall be certified  
9 shorthand reporters.

10 (b) Three members shall be appointed by the governor, subject to  
11 confirmation by the Senate. Each member shall be a certified shorthand reporter.

12 (c) One member shall be appointed by the speaker of the House of  
13 Representatives. The member shall be an attorney.

14 (d) One member shall be appointed by the president of the Senate. The  
15 member shall be an attorney.

16 (2) A vacancy on the board shall be filled in the same manner as the original  
17 appointment.

18 ~~C. Six appointees shall be certified shorthand reporters, two appointees shall~~  
19 ~~be attorneys, and one appointee shall be a judge. Excluding the judge, effective~~  
20 ~~January 1, 1993, one appointee shall be appointed from each congressional district~~  
21 ~~and one appointee shall be appointed from the state at large.~~

22 ~~D. C.~~ Each member of the board shall receive a per diem at the rate of  
23 seventy-five dollars for each day in actual attendance at a regular or special meeting.  
24 However, no member shall receive per diem for more than twelve special meetings  
25 actually attended per year. Members shall also be allowed necessary expenses  
26 incurred in the performance of their duties as members of the board.

27 §2552. Terms of office

28 A. Members of the board of examiners shall be appointed by the governor  
29 for three year terms, except that any member appointed to fill a vacancy occurring  
30 prior to the expiration of the term shall be appointed for the remainder of such term

only. Effective January 1, 1987, the terms of those members serving on the board shall terminate, and the governor shall designate three members of the board to serve terms of one year each, three other members of the board to serve terms of two years each, and the three remaining members of the board to serve terms of three years each. Thereafter, persons appointed to the board shall serve terms of three years ~~duration~~. Members of the board shall continue in office until their successors are appointed and qualified.

\* \* \*

(B) Members of the board serving on the effective date of this Act shall serve the remainder of their terms. Each initial vacancy on the board shall be filled as provided in this Subsection. The Supreme Court of Louisiana shall appoint members to fill the first four vacancies. The governor shall appoint members to fill the next three vacancies. The speaker of the House of Representatives shall appoint a member to fill the next vacancy. The president of the Senate shall appoint a member to fill the final vacancy.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_